



STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION



**TO:** Sponsors of the National School Lunch and School Breakfast Programs

**FROM:** John Frassinelli, Chief  
Bureau of Health/Nutrition, Family Services and Adult Education

**DATE:** March 9, 2015

**SUBJECT: Operational Memorandum #15-15**  
Community Eligibility Provision Guidance and Frequently Asked Questions (FAQ) -  
REVISED

This memorandum provides background, updated guidance and FAQ's that address common questions that the Food and Nutrition Service (FNS) has received in the first year of the Community Eligibility Provision's (CEP) nationwide implementation beginning July 1, 2014.

FAQ's are attached to this memorandum. New questions are preceded by three asterisks (\*\*\*). As additional Q & As arise during the nationwide implementation, they will be added to this memorandum.

These FAQ's cover the following topics:

- Notification and Publication Requirements;
- Local Education Agency (LEA)/School Level Eligibility and Grouping;
- Direct Certification Data;
- Identified Student Percentage (ISP) Determination;
- State Agency Evaluation of LEA's CEP Election;
- Changes in CEP Election;
- Transfer and Visiting Students;
- Non-Federal Sources of Funding;
- Reimbursements and Claiming;
- Administrative Review;
- Verification;
- Reporting and Recordkeeping;
- Residential Child Care Institutions;
- Independent Review of Applications;
- Student Charges;
- Paid Lunch Equity;
- Summer School;
- Other Federal Programs;
- Title I and Other Educational Funding;

- Technical Assistance and Resources; and
- Data Sharing.

On November 14, 2013, the FNS published the proposed rule “*National School Lunch Program and School Breakfast Program: Eliminating Applications Through Community Eligibility as Required by the Healthy, Hunger-Free Kids Act of 2010*”, and comments were accepted until January 3, 2014. The FNS is currently in the process of reviewing these comments and developing a final rule. Until a final rule is published, this FAQ document and other guidance from the FNS are the implementing guidance.

### Overview

Section 104(a) of the Healthy, Hunger-Free Kids Act of 2010 (HHFKA) amended section 11(a)(1) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1759a(a)(1)) to provide an alternative to household applications for free and reduced-price meals in local LEAs and schools in high poverty areas. This alternative is referred to as the Community Eligibility Provision (CEP).

The HHFKA required the CEP be phased in over a period of three years, beginning July 1, 2011. In School Year 2013-14, the CEP was available in eligible LEAs and schools in Illinois, Kentucky, Michigan, New York, Ohio, District of Columbia, West Virginia, Florida, Georgia, Maryland, and Massachusetts. Beginning July 1, 2014, the CEP was available nationwide.

To be eligible, LEAs and/or schools must:

1. Meet a minimum level (40 percent) of identified students for free meals in the year prior to implementing the CEP.
2. Agree to serve free lunches **and** breakfasts to all students.
3. Agree not to collect USDA free and reduced-price meal applications from households in participating schools; and agree to cover with non-federal funds any costs of providing free meals to all students above amounts provided in federal assistance.

Reimbursement is based on claiming percentages derived from the identified student percentages.

The *Identified Students* are students certified for free meals through means other than individual household applications; this primarily includes students who are directly certified for free meals on the basis of their participation in the Supplemental Nutrition Assistance Program (SNAP) and Temporary Family Assistance (TFA). It also includes homeless, runaway, Head Start, and migrant youth. It does not include students who are categorically eligible based on submission of a free and reduced-price application.

The claiming percentages established for a school in the first year may be used for a period of **four school years** and may be increased each year if the ISP rises for the LEA and/or school. The percentage of identified students is multiplied by a factor of 1.6 to determine the total percentage of meals reimbursed at the federal free reimbursement rate to a maximum of 100

percent. The remaining percentage of meals, equaling up to 100 percent, is reimbursed at the federal paid reimbursement rate. Schools apply the claiming percentages to the total number of lunch and the total number of breakfast meals served to determine the number of meals claimed at the free and paid rates.

An LEA may participate in the CEP for all schools in the LEA or only some schools, depending on the eligibility of individual schools and financial considerations based on the anticipated level of federal reimbursement and other non-federal support that may be available to cover any meal costs in excess of the federal reimbursement. Participating schools that continue to meet the minimum direct certification percentage may immediately begin another four-year cycle after the initial cycle concludes. For participating schools falling below the minimum percentage at the end of their four-year cycle, there is the possibility to continue to participate for a “grace year.” A participating LEA or school may stop participating in the CEP during the four-year cycle by notifying the state agency no later than June 30 of the school year prior to when they want to return to normal counting and claiming procedures. This will allow sufficient time for the LEA to prepare for the certification process in the coming school year.

Questions on the CEP or this Operational Memorandum may be directed to Allison Calhoun-White at 860-807-2008 or [allison.calhoun-white@ct.gov](mailto:allison.calhoun-white@ct.gov).

JF:acc

Attachment